

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FRACO USA, INC. f/k/a
FRACO PRODUCTS, INC.

Plaintiff,

V.

ZURICH AMERICAN INSURANCE
COMPANY AND AMERICAN
GUARANTEE AND LIABILITY
INSURANCE COMPANY

Defendants,

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CIVIL ACTION NO. SA 11 CA 0196 XR

AGREED MOTION TO DISMISS

To the Honorable United States District Court:

Plaintiff FRACO USA, Inc. f/k/a FRACO Products, Inc. (Fraco) and Defendants Zurich American Insurance Company (Zurich) and American Guarantee and Liability Insurance Company (American) jointly move the Court to dismiss this case, without prejudice, and respectfully show the Court the following:

Plaintiff Fraco no longer desires to pursue its claims against Defendants in this cause.

Counsel for Plaintiff Fraco and Defendants Zurich and American have conferred as required by the Federal Rules of Civil Procedure, the Local Rules for the Western District of Texas and this Court's rules and have agreed to this motion to dismiss all claims and controversies as set forth in this cause without prejudice.

Wherefore, premises considered, Plaintiff Fraco and Defendants Zurich and American respectfully request the Court enter an order dismissing all claims in this case without prejudice, taxing all costs to the party that has incurred such costs, together with such other and further

RVMJ Law Firm

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relief to which they are justly entitled, at law or in equity.

Respectfully submitted,

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It Motion Dismiss (#364538)

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